

WPA 14845 of 2026

Sagar Bera & Anr.
Vs.
The State of West Bengal & Ors.

Sk. Sahjahan Ali
.... for the petitioners

Ms. Manju Agarwal, learned AGP
Ms. Aishwarya Rajyashree
.... for the State

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. This writ petition has been filed challenging the process undertaken by the respondent no. 4 in taking possession of a mortgaged asset of the petitioners. The challenge should ideally be raised before the Debts Recovery Tribunal, a body which has been constituted to deal with such matters.
3. The petitioners have already filed an application under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "said Act") which has been fixed on July 7, 2026.
4. Unfortunately the process of taking possession of the petitioners' mortgaged property will take place on July 4, 2026.

5. Thus, fixing the matter on a date after July 4, 2026 by the concerned Tribunal will completely defeat the purpose of the petitioners' application.
6. However, the present application under Article 226 of the Constitution of India does not warrant any interference since the reliefs which can be granted are within the exclusive domain of Article 227. The petitioner is granted liberty to convert this application into a revisional application under Article 227, including adding the concerned Tribunal as a party respondent herein and move the same before the appropriate Bench.
7. All parties are to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

(Reetobroto Kumar Mitra, J.)